

AF

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of Hawley K. Rising, III, et al. Attorney Docket No.: 080398.P427

Application Number 10/005,252

Filed December 3, 2001

For Distributed Semantic Descriptions Of Audiovisual Content

Group Art Unit: 2621 Examiner: Nguyen, Huy Thanh

Address to:

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 510.00

[] Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$

[X] A check in the amount of the fee is enclosed.

[] Payment by credit card. Form PTO-2038 is attached.

[] The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

[X] The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-2666. I have enclosed a duplicate copy of this sheet.

[] A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

[] applicant/inventor.

Signature

[] assignee of record of the entire interest
See 37 CFR 3.71, Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

[X] attorney or agent of record

Sheryl Sue Holloway
Typed or printed name

[] attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) 37,850 Nov. 9, 2007
(Reg. No.) Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest of their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

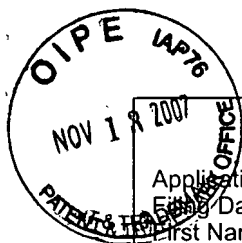
[X] *Total of 1 forms are submitted

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on 11-9-07 Date Carla Anyasia Nascimento
Typed or printed name

Signature

05/01/03

11/14/2007 CCHU1 00000005 10005252 510.00 0P 01 FC:1401



TRANSMITTAL

PATENT

Application No.: 10/005,252
Filing Date: December 3, 2001
First Named Inventor: Hawley K. Rising, III, et al.
Examiner's Name: Nguyen, Huy Thanh
Art Unit: 2621
Attorney Docket No.: 080398.P427

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☒ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: _____
- ☐ Other: _____
- ☒ Check(s)
- ☒ Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Sheryl Sue Holloway

SIGNATURE: _____

REG. NO.: 37,850

DATE: NOV. 9, 2007

ADDRESS: 1279 Oakmead Parkway

Sunnyvale, CA 94085-4040

TELEPHONE NO.: (408) 720-8300

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on 11.9.07

Date of Deposit

Carla Anysia Nascimento

Name of Person Mailing Correspondence

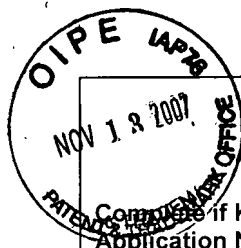
Signature

Date

Express Mail Label No. (if applicable): _____

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(10/14/03)

**FEE TRANSMITTAL FOR FY 2007**

(Effective on 9/30/2007. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

TOTAL AMOUNT OF PAYMENT (\$) 510.00

Complete if Known:

Application No. 10/005,252
 Filing Date December 3, 2001
 First Named Inventor Hawley K. Rising, III, et al.
 Examiner Name Nguyen, Huy Thanh
 Art Unit 2621
 Attorney Docket No. 080398.P427

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)
☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

☒ Charge fee(s) indicated below.

☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

☐ Charge fee(s) indicated below except for the filing fee

☒ Credit any overpayments.

☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
 Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>		<u>Fees Paid (\$)</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>			
1011	310	2011	155	Utility application filing fee	1,030/515	_____
1111	510	2111	255	Utility search fee		_____
1311	210	2311	105	Utility examination fee		_____
1012	210	2012	105	Design application filing fee	440/220	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	210	2013	105	Plant filing fee	680/340	_____
1113	310	2113	155	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	810	2004	405	Reissue filing fee	1,940/970	_____
1114	510	2114	255	Reissue search fee		_____
1314	620	2314	310	Reissue examination fee		_____
1005	210	2005	105	Provisional application filing fee		_____
SUBTOTAL (1)						<u>\$0.00</u>

2. EXCESS CLAIM FEES**Fee Description****Large Entity Small Entity****Fee Fee Fee Fee****Code (\$) Code (\$) Fee Description**

1202 50 2202 25

Each claim over 20

1201 210 2201 105

Each independent claim over 3

1203 370 2203 185

Multiple dependent claims, if not paid

1204 210 2204 105

Reissue: each claim over 20 and more than in the original patent

1205 50 2205 25

Reissue: each independent claim more than in the original patent

Extra Claims**Fee****Fees Paid (\$)****Total Claims** _____ **- 20 or HP =** _____**X \$ 50.00 =** _____

HP = highest number of total claims paid for, if greater than 20

Independent Claims _____ **- 3 or HP =** _____**X \$210.00 =** _____

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims _____ **=** _____**SUBTOTAL (2) \$ 0.00****3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets**Extra Sheets****Number of each additional
50 or fraction thereof****Fee from
below****Fees paid (\$)**_____ **- 100 =** _____ **/ 50 =** _____ (round up to whole number) **X \$** _____**Large Entity****Small Entity****Fee Fee Fee Fee****Code (\$) Code (\$) Fee Description: Application size fee for each additional group of 50 sheets****beyond initial 100 sheets (count spec & drawings except sequences & program listings):**

1081 260 2081 130

Utility

1082 260 2082 130

Design

1083 260 2083 130

Plant

1084 260 2084 130

Reissue

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)**4. OTHER FEE(S)**

				<u>Fees Paid (\$)</u>																																																																																																																																																																																																		
Non-English Specification, \$130 fee (no small entity discount)																																																																																																																																																																																																						
<table border="0"> <thead> <tr> <th colspan="2"><u>Large Entity</u></th> <th colspan="2"><u>Small Entity</u></th> <th rowspan="2"><u>Fee Description</u></th> </tr> <tr> <th><u>Fee Code</u></th> <th><u>Fee (\$)</u></th> <th><u>Fee Code</u></th> <th><u>Fee (\$)</u></th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> </tr> <tr> <td>1813</td> <td>8,800</td> <td>1813</td> <td>8,800</td> <td>Request for inter parties reexamination</td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>1251</td> <td>120</td> <td>2251</td> <td>60</td> <td>Extension for reply within first month</td> </tr> <tr> <td>1252</td> <td>460</td> <td>2252</td> <td>230</td> <td>Extension for reply within second month</td> </tr> <tr> <td>1253</td> <td>1,050</td> <td>2253</td> <td>525</td> <td>Extension for reply within third month</td> </tr> <tr> <td>1254</td> <td>1,640</td> <td>2254</td> <td>820</td> <td>Extension for reply within fourth month</td> </tr> <tr> <td>1255</td> <td>2,230</td> <td>2255</td> <td>1,115</td> <td>Extension for reply within fifth month</td> </tr> <tr> <td>1401</td> <td>510</td> <td>2401</td> <td>255</td> <td>Notice of Appeal</td> </tr> <tr> <td>1402</td> <td>510</td> <td>2402</td> <td>255</td> <td>Filing a brief in support of an appeal</td> </tr> <tr> <td>1403</td> <td>1,030</td> <td>2403</td> <td>515</td> <td>Request for oral hearing</td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> </tr> <tr> <td>1452</td> <td>510</td> <td>2452</td> <td>255</td> <td>Petition to revive - unavoidable</td> </tr> <tr> <td>1453</td> <td>1,540</td> <td>2453</td> <td>770</td> <td>Petition to revive - unintentional</td> </tr> <tr> <td>1501</td> <td>1,440</td> <td>2501</td> <td>720</td> <td>Utility issue fee (or reissue)</td> </tr> <tr> <td>1502</td> <td>820</td> <td>2502</td> <td>410</td> <td>Design issue fee</td> </tr> <tr> <td>1503</td> <td>1,130</td> <td>2503</td> <td>565</td> <td>Plant issue fee</td> </tr> <tr> <td>1462</td> <td>400</td> <td>1462</td> <td>400</td> <td>Petitions to the Commissioner (CFR 1.17(f) Group I)</td> </tr> <tr> <td>1463</td> <td>200</td> <td>1463</td> <td>200</td> <td>Petitions to the Commissioner (CFR 1.17(g) Group II)</td> </tr> <tr> <td>1464</td> <td>130</td> <td>1464</td> <td>130</td> <td>Petitions to the Commissioner (CFR 1.17(h) Group III)</td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> </tr> <tr> <td>1809</td> <td>810</td> <td>2809</td> <td>405</td> <td>For filing a submission after final rejection (see 37 CFR 1.129(a))</td> </tr> <tr> <td>1814</td> <td>130</td> <td>2814</td> <td>65</td> <td>Statutory Disclaimer</td> </tr> <tr> <td>1810</td> <td>810</td> <td>2810</td> <td>405</td> <td>For each additional invention to be examined (see 37 CFR 1.129(b))</td> </tr> <tr> <td>1801</td> <td>810</td> <td>2801</td> <td>405</td> <td>Request for Continued Examination (RCE)</td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> </tr> <tr> <td>1504</td> <td>300</td> <td>1504</td> <td>300</td> <td>Publication fee for early, voluntary, or normal pub.</td> </tr> <tr> <td>1505</td> <td>300</td> <td>1505</td> <td>300</td> <td>Publication fee for republication</td> </tr> <tr> <td>1803</td> <td>130</td> <td>1803</td> <td>130</td> <td>Request for voluntary publication or republication</td> </tr> <tr> <td>1808</td> <td>130</td> <td>1808</td> <td>130</td> <td>Processing fee under 37 CFR 1.17(i) (except provisionals)</td> </tr> <tr> <td>1454</td> <td>1,410</td> <td>1454</td> <td>1,410</td> <td>Acceptance of unintentionally delayed claim for priority</td> </tr> </tbody> </table>				<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>	1051	130	2051	65	Surcharge - late filing fee or oath	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	1053	130	1053	130	Non-English specification	1812	2,520	1812	2,520	For filing a request for ex parte reexamination	1813	8,800	1813	8,800	Request for inter parties reexamination	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	1251	120	2251	60	Extension for reply within first month	1252	460	2252	230	Extension for reply within second month	1253	1,050	2253	525	Extension for reply within third month	1254	1,640	2254	820	Extension for reply within fourth month	1255	2,230	2255	1,115	Extension for reply within fifth month	1401	510	2401	255	Notice of Appeal	1402	510	2402	255	Filing a brief in support of an appeal	1403	1,030	2403	515	Request for oral hearing	1451	1,510	1451	1,510	Petition to institute a public use proceeding	1452	510	2452	255	Petition to revive - unavoidable	1453	1,540	2453	770	Petition to revive - unintentional	1501	1,440	2501	720	Utility issue fee (or reissue)	1502	820	2502	410	Design issue fee	1503	1,130	2503	565	Plant issue fee	1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	1806	180	1806	180	Submission of Information Disclosure Stmt	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	1809	810	2809	405	For filing a submission after final rejection (see 37 CFR 1.129(a))	1814	130	2814	65	Statutory Disclaimer	1810	810	2810	405	For each additional invention to be examined (see 37 CFR 1.129(b))	1801	810	2801	405	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application	1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	1505	300	1505	300	Publication fee for republication	1803	130	1803	130	Request for voluntary publication or republication	1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	1454	1,410	1454	1,410	Acceptance of unintentionally delayed claim for priority	\$510.00
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*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Sheryl Sue Holloway

Signature: _____

Date: Nov. 9, 2007Reg. Number: 37,850Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450